IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 10372 of 2004

Between:

1 Bhekaya Nayak, S/o Bhekya Sampla Nayak,
R/o Yerrapur Village, Ibrahimpatnam Mandal,
Karimnagar District.
2 Malavath Ramji Nayak, S/o Malavath Somla Nayak,
R/o Yerrapur Village, Ibrahimpatnam Mandal,
Karimnagar District.
3 Malavath Gangaram, S/o Malavath Lokya Nayak,
R/o Yerrapur Village, Ibrahimpatnam Mandal,
Karimnagar District.
4 Bhukya Bhumya Nayak, S/o Bhukya Ganya Nayak,
R/o Yerrapur Village, Ibrahimpatnam Mandal,
Karimnagar District.

..... PETITIONERS.

AND

1 The District Collector, Karimnagar District, Karimnagar.
2 The Mandal Revenue Officer, Ibrahimpatnam Mandal, Ibrahmpatnam Proper and Mandal, Karimnagar District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent authorities in not assigning the vacant lands in Sy.No.205 and 207 of Yerrapur Village of Ibrahimpatnam Mandal, Karimnagar District considering our applications filed before the respondents and at the same time assigning the some of the land in favour of the Landlords, who are nonresidents of Yerrapur Village as arbitrary, illegal, null and void and politically motivated consequently direct the respondent authorities to consider the representations of the petitioners for assignment of the land in Sy.No.205 and 207 which is appurtenant to their huts situated at Yerrapur Village of Ibrahimpatnam Mandal, Karimnagar District and thereby assign the same by granting pattas in favour of the petitioners

For the Petitioners: MR. K.VENUMADHAV, Advocate.

For the Respondents1 & 2: GP FOR REVENUE.

The Court Made the Following :

ORDER:

This writ petition is filed praying for a direction to the respondents to assign some vacant land in Sy.Nos.205 and 207 of Yerrapur village of Ibrahimpatnam Mandal, Karimnagar District in favour of the petitioners to eke out their livelihood by cultivating the said land.

The grievance of the petitioners is that they are landless poor and agricultural coolies and the respondents are not considering their representations dated 27-9-2002, 9-1-2003 and 11-3-2004 for assignment of some land in Sy.Nos.205 and 207 of Yerrapur village of Ibrahimpatnam Mandal, Karimnagar in their favour, to eke out their livelihood, though the 2nd respondent has assigned some portion of the land in the said survey numbers to some other people.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

It is to be noted that assignment of land to the poor and weaker sections is a Government policy and it is the prerogative of the Government, basing on several factors like, availability of land, eligibility of the persons seeking pattas etc., and this court cannot issue directions to the respondents under Article 226 of the Constitution of India to allot particular land to a particular group of people. Hence, I am not inclined to adjudicate the merits of the writ petition.

In the circumstances the writ petition is dismissed at the stage of admission. However, it does not preclude the respondents from considering and disposing of the representations dated 27-9-2002, 9-1-2003 and 11-3-2004 made by the petitioners. No costs.

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24-6-2004

ASP

1 The District Collector, Karimnagar District, Karimnagar.
2 The Mandal Revenue Officer, Ibrahimpatnam Mandal, Ibrahmpatnam Proper and Mandal, Karimnagar District.

3. Two C.Cs. to G.P. for Revenue, High Court buildings (O.U.T.)

4. Two C.D. copies